

very right. The Trump administration should apply the law as required in this case.

### U.S. SENATE SELECT COMMITTEE ON ETHICS ANNUAL REPORT

Mr. LANKFORD. Mr. President, I ask unanimous consent, for myself as chairman of the Select Committee on Ethics and for Senator CHRISTOPHER A. COONS, vice chairman of the committee, that the Annual Report for the Select Committee on Ethics for calendar year 2019 be printed in the RECORD. The Committee issues this report today, January 28, 2020, as required by the Honest Leadership and Open Government Act of 2007.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### ANNUAL REPORT OF THE SELECT COMMITTEE ON ETHICS

116TH CONGRESS, SECOND SESSION

JANUARY 28, 2020

The Honest Leadership and Open Government Act of 2007 (the Act) calls for the Select Committee on Ethics of the United States Senate to issue an annual report no later than January 31st of each year providing information in certain categories describing its activities for the preceding year. Reported below is the information describing the Committee's activities in 2019 in the categories set forth in the Act:

(1) The number of alleged violations of Senate rules received from any source, including the number raised by a Senator or staff of the Committee: 251. (In addition, 16 alleged violations from previous years were carried into 2019.)

(2) The number of alleged violations that were dismissed—

(A) For lack of subject matter jurisdiction or in which, even if the allegations in the complaint are true, no violation of Senate rules would exist: 135. (This figure includes 4 matters from the previous year carried into 2019.)

(B) Because they failed to provide sufficient facts as to any material violation of the Senate rules beyond mere allegation or assertion: 118. (This figure includes 5 matters from previous years carried into 2019.)

(3) The number of alleged violations for which the Committee staff conducted a preliminary inquiry: 16. (This figure includes 8 matters from previous years carried into 2019.)

(4) The number of alleged violations for which the Committee staff conducted a preliminary inquiry that resulted in an adjudicatory review: 0.

(5) The number of alleged violations for which the Committee staff conducted a preliminary inquiry and the Committee dismissed the matter for lack of substantial merit or because it was inadvertent, technical or otherwise of a de minimis nature: 11.

(6) The number of alleged violations for which the Committee staff conducted a preliminary inquiry and the Committee issued private or public letters of admonition: 0.

(7) The number of matters resulting in a disciplinary sanction: 0.

(8) Any other information deemed by the Committee to be appropriate to describe its activities in the previous year:

In 2019, the Committee staff conducted 36 Member and committee office campaign briefings (includes 6 remedial training sessions); 21 employee code of conduct training sessions; 11 public financial disclosure clin-

ics, seminars, and webinars; 19 ethics seminars and customized briefings for Member DC offices, state offices, and Senate committees; 4 private sector ethics briefings; and 3 international briefings.

In 2019, the Committee staff handled approximately 10,998 inquiries (via telephone and email) for ethics advice and guidance.

In 2019, the Committee wrote approximately 784 ethics advisory letters and responses including, but not limited to, 581 travel and gifts matters (Senate Rule 35) and 133 conflict of interest matters (Senate Rule 37).

In 2019, the Committee received 3,586 public financial disclosure and periodic disclosure of financial transactions reports.

### TRIAL OF PRESIDENT DONALD J. TRUMP

Mrs. BLACKBURN. Mr. President, the impeachment trial of President Trump has devolved into a parade of last-minute red herrings meant to distract this body from the issue at hand. The near-hysteria over books, boredom, and beef jerky has provided a convenient vehicle for the House managers, who are trying their best to peddle outrage as evidence.

We learned nothing new from the House managers' presentations, but outside the Senate Chamber, they have been doing their best to convince us that we are one "bombshell" away from, at last, having all the elements needed for a speedy conviction. These efforts to keep unfounded allegations in the limelight have not gone unnoticed by those who should be commanding our attention: the American people.

Outside the beltway, Americans have grown weary of trials and talking points. They have heard enough, and they have had enough.

Taking that feedback into consideration, I thought it might be helpful to offer an update on what we could be focusing on instead of this farcical partisan grudge match.

Behind the scenes, we are limping along as best we can, but our focus is necessarily distracted from regular business. Before our time was monopolized by impeachment, the Senate was making wonderful progress on filling the Federal bench with well-qualified, constitutionalist judges.

When we weren't interviewing those nominees, members of the Judiciary Committee spent time hearing testimony on privacy, competition, and the crisis on our southern border.

Before impeachment, Senators serving on the Veterans' Affairs Committee were hard at work considering a comprehensive mental health bill that would strengthen veteran mental health and suicide prevention programs. My own IMPROVE Act is part of this effort. We were also working on the IT Reform Act, which would improve information technology projects at the VA, and the Network of Support Act, which would help VA officials guide veterans through the emotional upheaval of transitioning between Active Duty and civilian life. We were

doing all of this in addition to our continued oversight of the VA MISSION Act, and check-ins on struggling clinics such as the one in Murfreesboro, TN, which just reduced bed space for veterans struggling with opiate addiction and thoughts of suicide.

This Thursday, we have an Armed Services Committee hearing on the U.S.' role in AFRICOM. When I visited with our troops in Djibouti and Somalia at the end of last year, I saw firsthand the importance of our advisory support on the African continent. Drawing down resources or personnel in AFRICOM would harm our position as we compete with Russia and China—but we won't have much time to discuss this potentially disastrous change. Every day, work grinds to a halt at 1:00 p.m., so that we can sit in our seats in the Senate Chamber and focus on the impeachment trial.

We could be paying attention to the full-blown health crisis plaguing our rural communities. Since 2010, 118 rural hospitals have shut their doors. Fourteen of those facilities were in my home State of Tennessee. Between these hospital closures, and high drug prices, there is enough work to be done in the health care sector alone to keep us busy through Christmas.

Mister President, if Tennessee is a good test group for the rest of the Nation—and it usually is—I can tell you that when asked to choose between discussing impeachment politics and real world problems, the American people are much more worried about trade, transportation, and manufacturing, and how evolving policy initiatives will affect prices at the grocery store.

I would encourage my colleagues to remember the cost of indulging these proceedings and to listen to their constituents back home and not the breathless coverage that dominates the 24 hour news cycle.

### H. CON. RES. 83

Mr. MENENDEZ. Mr. President, H. Con. Res. 83 directs the President to terminate the use of U.S. Armed Forces to engage in hostilities against Iran, unless Congress has authorized the use of military force against Iran or such use is necessary to defend against an imminent armed attack. H. Con. Res. 83 was agreed to in the House of Representatives on January 9, 2020 and received in the Senate and referred to the Senate Committee on Foreign Relations on January 13, 2020.

The War Powers Resolution, PL 93-148, has special procedures underscoring the privileged nature of a concurrent resolution like H. Con. Res. 83. Section 1546(c) of the War Powers Resolution requires that once a privileged concurrent resolution such as H. Con. Res. 83 has been passed by the House, it must be referred to the Senate Foreign Relations Committee, and "shall be reported out by such committee together with its recommendations within fifteen calendar days." Fifteen calendar

days from January 13 is today, January 28, 2020. Under the law, the concurrent resolution may be reported out with a favorable or unfavorable recommendation, or no recommendation at all, but it must be reported out.

Unfortunately, it appears that the Senate Foreign Relations Committee majority leadership has decided to allow the 15 calendar days to lapse without taking action on H. Con. Res. 83. This failure to act leaves a statutory obligation unfulfilled.

I understand that the chairman is basing this inaction primarily on the contention that a concurrent resolution under 50 U.S.C. 1544(c) may be privileged only if it uses the word "remove" or the phrase "removal of United States Armed Forces engaged in hostilities," rather than "terminate" or "terminate the use of United States Armed Forces to engage in hostilities" as used in H. Con. Res. 83. The argument appears to be that the use of "removed" in 1544(c) of the War Powers Resolution eliminates the possibility of privilege if any other terminology is used, regardless of functional equivalency. This argument suggests that "removal" is a term of art required for privilege.

The approach is unjustifiably restrictive. Treating "removal" as a term of art required for privilege is inconsistent with the overarching purpose of the War Powers Resolution and without support in either the statutory framework or legislative history. It also undermines Senate and congressional prerogatives.

The purpose of the War Powers Resolution was for Congress to reconfirm and reassert its constitutional powers over "undeclared" wars. The availability of a privileged and binding resolution to force a President to stop using U.S. Armed Forces in hostilities is central to that purpose. Limiting such privilege to a single phrase or word is inconsistent with this reassertion of congressional powers and is neither a feature of the statute nor its legislative history.

The statutory framework of the War Powers Resolution does not support the assertion that "removal" or "removal from hostilities" are terms of art that are required for and exclusive to the availability of privilege. To the contrary, those terms are not defined in law; nor is there any reference in the statute to a military or other usage of those phrases to suggest that they are terms of art.

The absence of statutorily mandated language for privilege in the War Powers Resolution directly contrasts with many other statutes in which Congress expressly requires specific language for privilege to attach. For example, in contrast to the War Powers Resolution, section 130(f) of the Atomic Energy Act of 1954, PL 83-703, section 101 of the Arms Export Control Act, PL 90-629, and section 216(c) of the Countering America's Adversaries Through Sanctions Act, PL 115-44 all require specific

text for privileged resolutions and provide that text in quotations in the statute. Clearly, as evidenced by laws enacted before and after the War Powers Resolution, Congress knows how to require the use of unique, statutorily mandated language for privilege to apply. The fact that it did not do so in the War Powers Resolution demonstrates that there was no intent to limit privilege to use of a single word or phrase.

Further, the legislative record of the War Powers Resolution does not support the assertion that there is an exclusive connection between the use of "removal" and the availability of privilege. To the contrary, the record indicates that "remove" and "terminate" were used synonymously. The record is replete with the interchangeable usage of synonymous terms consistent with a cessation of the use of U.S. forces in hostilities. For example, House Report 93-287 uses no less than seven terms in this regard, including "conclude," "disengage," "remove," "terminate," "abandon such action," and "stop." In fact, the conferees even used "terminate" to describe the privileged resolution envisioned in 1544(c), clearly demonstrating that these terms were considered to be functionally equivalent for purposes of War Powers. "The House joint resolution provided that use of United States Armed Forces by the President without a declaration of war or specific statutory authorization could be terminated by Congress through the use of a concurrent resolution. The Senate amendment provided for such termination by a bill or joint resolution." H. Rept. 93-547, Conference Report to H.J. Res. 542. This legislative history, in tandem with a statutory construct that does not require a term of art, demonstrates that the insistence on such a term for privilege is misguided.

Finally, strictly limiting privilege to a resolution that uses "remove" is inconsistent with Senate and congressional prerogatives. The purpose of the War Powers Resolution—reasserting the power of Congress over undeclared wars—can be vindicated only if the executive branch and its supporters in the Senate cannot use committee or floor procedure to bottle up a resolution consistent with both the purpose and construct of the War Powers Resolution. Reading into the statute a requirement for specific terminology where no such requirement exists unjustifiably restricts Senate action and limits the reassertion of congressional authority over War Powers.

For the reasons stated above, I urge the chairman to immediately take the necessary steps to ensure full compliance with the law.

#### REMEMBERING RETIRED ARMY COLONEL (DR.) ROBERT J.T. JOY

Mr. REED. Mr. President, today I pay tribute to a pioneer in the field of military medicine, retired Army COL Dr.

Robert J.T. Joy. Colonel Joy was founding professor of military medicine and commandant of the School of Medicine at the Uniformed Services University, USU. Most recently, he served as professor emeritus of USU's Section of Military Medical History. He passed away last year at the age of 90.

Born in Rhode Island and raised between Narragansett, RI, and St. Petersburg, FL, he studied pre-med and pre-law at the University of Rhode Island, before attending Yale University Medical School on a Reserve medical officers training scholarship.

From there, his service to his country began. After assignments stateside, Dr. Joy volunteered to lead the Walter Reed Army Institute of Research, WRAIR, team to Vietnam, where he received his first—of four—Legion of Merit medals and his team received a Meritorious Unit Citation for their field research. After becoming Deputy Director and then Director of WRAIR, many thought he had found his dream job.

However, after a meeting with Dr. Jay Sanford, the first dean of USU, in 1976, Colonel Joy received a transfer to take the position of professor of military medicine and commandant of the School of Medicine at the newly created USU. While there, he was instrumental in the creation of the field of military medical history, and his teachings, lectures, and leadership were integral to the development of today's "joint" concept of military medicine.

Dr. Joy retired from Active Duty in 1981 and was awarded the Distinguished Service Medal for his Army career. He continued to teach as a civilian professor until 2005, and his legacy lives on through his students—the physicians and surgical teams that continue to provide world-class care for our wounded, ill, and injured service members.

I would like to close with a quote about Dr. Joy from retired Army BG Robert Doughty, professor and chair of history at the United States Military Academy at West Point: "His contribution has influenced, and will continue to influence, students, historians, and soldiers for decades to come."

I salute Dr. Joy and extend my condolences to his family.

#### TRIBUTE TO CARY JONES

Mr. WYDEN. Mr. President, I want to take a few minutes today to honor Cary Jones, an Oregonian retiring after a long career in the Coast Guard and the Department of Veterans Affairs. The bottom line is Mr. Jones has embraced and embodied the essence of public service throughout his distinguished career.

He joined the Coast Guard in 1976 and was stationed in Honolulu, Seattle, and Coos Bay. He served for several years aboard the USCGC *Boutwell*, a high-endurance cutter used to intercept smuggling vessels.